

# Remarks

Claims 1-12 and 21 are pending. By this amendment, claim 21 has been added.

Reconsideration and allowance are respectfully requested in view of the following remarks. No new matter is believed added. Support for new claim 21 is found in FIG. 3, where there is clearly illustrated a stepped oxide region formed by the edge of the second gate oxide 126.

The Amendment filed September 18, 2003 is objected to under 35 U.S.C. 132 because it allegedly introduces new matter into the disclosure. In particular, the Examiner alleges that the "added material in the amendment to the drawings does not appear to be supported by the original disclosure (For Example: See Page 6 Lines 13-16 and Page 7 Lines 1 and 2). The amendment appears to contradict what is disclosed in the original disclosure." Applicants respectfully disagree with the Examiner's conclusion.

First, it should be noted that the replacement drawings filed September 14, 2003 disclose the same material originally illustrated in the informal drawings filed with the present patent application. To this extent, the replacement drawings filed September 14, 2003 do not include any new matter as alleged by the Examiner. Applicants request the Examiner to specifically point out which features in the drawings are believed to represent new matter. Second, Applicants submit that the Examiner continues to misinterpreted Applicants' related art (i.e., FIG. 2). Regarding FIG. 2, the specification on page 6, lines 13-16, discloses that "under the present invention, device 10 is modified to provide an additional gate oxide on top of existing gate oxide 44 in region 50." In this section of the specification, Applicant is merely stating the manner in which the related art device shown in FIG. 2 is to be modified in accordance with the present invention. This is clearly evidenced by the absence of the claimed "additional gate oxide" in FIG. 2. The description of the present invention, which discloses the use of an

additional gate oxide 126 over a first gate oxide 124, starts on page 6, line 17 of the specification, and is directed entirely to the device disclosed in FIG. 3.

Claims 1-5, 7-9 and 11 are rejected under 35 U.S.C. § 103(a) as being obvious over Merchant (U.S. Patent No. 5,412,241) in view of Applicants' Related Art; claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Merchant in view of Applicants' Related Art and Seeds et al. (U.S. Patent No. 3,936,858); and claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Merchant in view of Applicants' Related Art, Seeds et al., and Shirahata et al. (U.S. Pub. No. 2002/0175380).

Applicants assert that the rejections under 35 U.S.C. § 103(a) are defective because the cited references, taken alone or in any combination, fail to teach or suggest each and every feature of the claimed invention as required by 35 U.S.C. § 103(a). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In each of the above-referenced rejections, the Examiner asserts, *inter alia*, that Applicants' Related Art shows (1) a second gate oxide; and (2) a second gate oxide formed over a portion of the first gate oxide. This is incorrect; Applicants' Related Art (i.e., FIG. 2) does not teach or suggest the claimed second oxide layer.

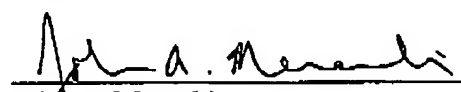
Applicants submit that the Examiner has misinterpreted Applicants' Related Art, and that the cited combination of references fail to teach or suggest a second gate oxide formed over a portion of the first gate oxide. Specifically, the Examiner is contending that FIG. 2 of the present

application discloses the claimed second gate oxide. This contention is incorrect since neither FIG. 1 nor FIG. 2 shows (or even attempts to show) a second gate oxide. The area in which the Examiner alleges a second gate oxide layer exists, i.e., region 50, merely indicates a general area where a second gate oxide will be positioned under the present invention, as shown in FIG. 3. The only material formed over the single gate oxide 44 of the Related Art device shown in FIGS. 1 and 2 is a field plate 42. A second gate oxide is shown only in FIG. 3, which is not Related Art.

Referring to FIG. 3 and its accompanying description, the second gate oxide 126 is positioned over a portion of the first gate oxide 124 in gate region 130, which underlies field plate 116. In comparing FIG. 3 to FIGS. 1 and 2, it is clearly seen that such a feature does not exist in the Related Art. Accordingly, because the cited combination of art fails to teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

In light of the above, Applicants submit that all claims are in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
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